



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5019

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

New Act

Creates the Small Wireless Facilities Deployment Act. Provides that an authority, defined as a city, village, incorporated town, township, or county and each department or agency thereof, may not prohibit or regulate the collocation of small wireless facilities or small facility networks. Provides that small wireless facilities and small facility networks shall be a permitted use in all authority zoning districts. In provisions concerning building, electrical, and public use permits, provides that an authority may: require a person to obtain permits for the collocation of small wireless facilities and small facility networks to the same extent permits are required for other construction, activity, and uses; not require applicants to provide information not required of other applicants; not require an application fee greater than the amount charged to other telecommunications providers. Sets out fee exemptions and fee limits related to collocating small wireless facilities and small facility networks.

LRB099 19188 EGJ 43580 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Small
5 Wireless Facilities Deployment Act.

6 Section 5. Legislative intent. Small wireless facilities
7 will be critical to delivering wireless access to advanced
8 technology and information to homes, businesses, and schools in
9 Illinois. To ensure that small wireless facilities may be
10 deployed efficiently and cost-effectively, the General
11 Assembly is enacting this Act, which specifies how local
12 authorities may regulate the collocation of small wireless
13 facilities and small facility networks.

14 Section 10. Definitions. As used in this Act:

15 "Antenna" means communications equipment that transmits or
16 receives electromagnetic radio signals used in the provision of
17 any type of wireless communications services.

18 "Authority" means a city, village, incorporated town,
19 township, or county and each department or agency thereof.

20 "Collocation" or "collocate" means the mounting,
21 installation, maintenance, operation, or modification of
22 wireless facilities on an existing tower, building, utility

1 pole, water tower, or other structure.

2 "Small facility network" means a collection of
3 interrelated small wireless facilities designed to deliver
4 wireless service.

5 "Small wireless facilities" means wireless facilities that
6 meet both of the following qualifications: (i) each antenna is
7 located inside an enclosure of no more than 6 cubic feet in
8 volume or, in the case of an antenna that has exposed elements,
9 the antenna and all of its exposed elements could fit within an
10 imaginary enclosure of no more than 6 cubic feet; and (ii) all
11 other wireless equipment associated with the structure is
12 cumulatively no more than 28 cubic feet in volume. The
13 following associated equipment is not included in the
14 calculation of equipment volume: electric meter, concealment,
15 telecommunications demarcation box, ground-based enclosures,
16 back-up power systems, grounding equipment, power transfer
17 switch, cut-off switch, and vertical cable runs for the
18 connection of power and other services.

19 "Wireless facilities" means equipment at a fixed location
20 that enables wireless communications between user equipment
21 and a communications network, including: (i) equipment
22 associated with wireless communications services such as
23 private, broadcast, and public safety services, as well as
24 unlicensed wireless services and fixed wireless services such
25 as microwave backhaul; and (ii) radio transceivers, antennas,
26 coaxial or fiber-optic cable, regular and backup power

1 supplies, and comparable equipment, regardless of
2 technological configuration.

3 Section 15. Regulation of small wireless facilities and
4 small facility networks.

5 (a) Except as provided in this Section, an authority may
6 not prohibit or regulate the collocation of small wireless
7 facilities or small facility networks.

8 (b) Small wireless facilities and small facility networks
9 shall be a permitted use in all authority zoning districts.

10 (c) An authority may require a person to obtain building,
11 electrical, and public way use permits for the collocation of
12 small wireless facilities and small facility networks to the
13 same extent those permits are required for other construction,
14 activity, and uses. Applicants seeking collocations may not be
15 required to provide information not required of other
16 applicants. Any application fee shall not exceed the amount
17 charged to other telecommunications providers. An authority
18 shall permit an applicant to request and receive a single
19 building, electrical, or public way use permit for a small
20 wireless facilities network. An authority may not charge a
21 person for collocating small wireless facilities and small
22 facility networks on structures along, across, upon, or under a
23 public street, road, highway, or right of way.

24 An authority shall process permits authorized under this
25 subsection (c) on a nondiscriminatory basis. An application

1 shall be deemed approved if the authority fails to approve or
2 disapprove the application within 30 days. This period may be
3 tolled to accommodate timely requests for information required
4 to complete the application or may be extended by mutual
5 agreement between the authority and the applicant.

6 (d) An authority may not charge to collocate small wireless
7 facilities and small facility networks on structures owned or
8 controlled by the authority if the authority does not charge
9 other commercial entities to occupy or use similarly situated
10 property. If an authority charges to collocate small wireless
11 facilities and small facility networks on structures owned or
12 controlled by the authority, it may not charge more than the
13 lesser of: (1) the amount it charges other commercial entities
14 for the same amount of space; (2) the projected cost to the
15 authority resulting from the collocation; or (3) \$1,000
16 annually.

17 Section 20. Home rule. A home rule municipality may not
18 prohibit or regulate small wireless facilities and small
19 facility networks in a manner inconsistent with this Act. This
20 Act is a denial and limitation of municipal home rule powers
21 and functions under subsection (i) of Section 6 of Article VII
22 of the Illinois Constitution.